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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,429	03/12/2004	Tatsuya Konagaya	Q80346	6566
23373	7590	02/22/2008	EXAMINER	
SUGHRUE MION, PLLC			WORKU, NEGUSSIE	
2100 PENNSYLVANIA AVENUE, N.W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20037			2625	
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			02/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/798,429	Applicant(s) KONAGAYA ET AL.	
	Examiner NEGUSSIE WÖRKU	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,9-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 2,4,6,8,12 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/12/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a replay to the application filed on 10/15/04 in which, claims 1-14 are pending. Claim 1 and 3 are independent, claims 2-12 and 14 are dependent.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 03/15/04 been reviewed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Drawings

4. Figure 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1, 3, 5, 9, 10, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Serizawa et al. (USP 7,006,264).

With respect to claim 1, Serizawa '264' shows or discloses an image reading apparatus (image scanner for photographic film as shown in fig 1) comprising: a film set section (i.e., film reel 42 of fig 3) at which a film is set and from which the set film is fed (film is set on film reel 42, from which the set film is fed by film fed roller 85 and 86 via guide 46 and 47 of fig 3, col.7, lines 1-5+); a first detecting section (sensor 60 of fig 5) which detects starting positions of respective frame images of the film fed from the film set section, (co.5, lines 64-65) and positions of marks (hole 17b of picture frame 17a of fig 5, to be scanned, col.5, lines 60-65) formed outside the respective frame images (hole 17b of picture frame 17a to be scanned col.5, lines 60-65); a storing section (storage medium 19a of fig 1) which sets and stores, on the basis of the starting positions of the respective frame images (film 17 of fig 3) and the positions of the marks

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(holes 17b of fig 3) detected by the first detecting section, (sensor 60 of fig 5, col.6, lines 25-28+), a position of a frame corresponding mark, (17b of fig 5) which corresponds to the starting position, every each of the frame images (col.3, lines 47-53); a second detecting section, (initial position sensor 76 of fig 5) provided at downstream side of the first detecting section, which detects the position of the frame corresponding mark every each of the frame images (sensor 76 for detecting the position of the film 17, corresponding to the mark [i.e., hole 17b col.6, lines 25-30]); and an image reading section (reading section 21 of fig 3) which reads each of the image frames in order of frame number thereof on the basis of the stored contents in the storing section (memory 19a of fig 1) and detection data detected by the second detecting section (sensor 76 for detecting the position of the film 17, corresponding to the mark [i.e., hole 17b col.6, lines 25-30]).

With respect to claim 3, Serizawa '264' shows or discloses an image reading apparatus (image scanner for photographic film as shown in fig 1) comprising, wherein the mark formed outside the frame image is a perforation formed at the film (film hole 17b of fig 5, formed outside the image or picture area of the film frame 17 of fig 5).

With respect to claim 5, Serizawa '264' shows or discloses an image reading apparatus (image scanner for photographic film as shown in fig 1), further comprising a determining section which judges at least one of direction of a surface of the film and type of the film (col.7, lines 40-44).

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With respect to claim 7, Serizawa '264' shows or discloses an image reading apparatus (image scanner for photographic film as shown in fig 1), wherein the determination is made by the determining section (controller 61 of fig 4) by detecting a bar code provided at the film (controller 61 determine by detecting barcode provided on the film, col.10, line 12-30+).

With respect to claim 9, Serizawa '264' shows or discloses an image reading apparatus (image scanner for photographic film as shown in fig 1), wherein the determination is made by the determining section (controller 61 of fig 4) by detecting silver on the film with infrared light (col.3, lines 65 through col.4, lines 1-5).

With respect to claim 10, Serizawa '264' shows or discloses an image reading apparatus (image scanner for photographic film as shown in fig 1), wherein the determination is made by the determining section (controller 61 of fig 4) by detecting silver on the film with infrared light (col.3, lines 65 through col.4, lines 1-5).

With respect to claim 11, Serizawa '264' shows or discloses an image reading apparatus (image scanner for photographic film as shown in fig 1), further comprising a pre-scanning section, (reading section 21 of fig 8D) provided at upstream side of the image reading section, which carries out a pre-scanning of the film (col.8, lines 35-40).

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With respect to claim 13, Serizawa '264' shows or discloses an image reading apparatus (image scanner for photographic film as shown in fig 1) comprising: a film set section (i.e., film reel 42 of fig 3) at which a film is set and from which the set film is fed (film is set on film reel 42, from which the set film is fed by film fed roller 85 and 86 via guide 46 and 47 of fig 3, col.7, lines 1-5+); a first detecting section (sensor 60 of fig 5) which detects starting positions of respective frame images of the film fed from the film set section, (col.5, lines 64-65) and positions of marks (hole 17b of picture frame 17a of fig 5, to be scanned, col.5, lines 60-65) formed outside the respective frame images (hole 17b of picture frame 17a to be scanned col.5, lines 60-65); a storing section (storage medium 19a of fig 1) which sets and stores, on the basis of the starting positions of the respective frame images (film 17 of fig 3) and the positions of the marks (holes 17b of fig 3) detected by the first detecting section, (sensor 60 of fig 5, col.6, lines 25-28+), a position of a frame corresponding mark, (17b of fig 5) which corresponds to the starting position, every each of the frame images (col.3, lines 47-53); a second detecting section, (initial position sensor 76 of fig 5) provided at downstream side of the first detecting section, which detects the position of the frame corresponding mark every each of the frame images (sensor 76 for detecting the position of the film 17, corresponding to the mark [i.e., hole 17b col.6, lines 25-30]); and an image reading section (reading section 21 of fig 3) which reads each of the image frames in order of frame number thereof on the basis of the stored contents in the storing section (memory 19a of fig 1) and detection data detected by the second detecting section (sensor 76 for

detecting the position of the film 17, corresponding to the mark [i.e., hole 17b col.6, lines 25-30).

Claims Objected to having Allowable subject matter

7. Claims 2, 4, 6, 8, 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claims 2, 4, 6, 8 and 12 are objected to for having a subject matter that the searched prior arts and of the record neither teach or suggest an image reading apparatus, wherein the storing section estimates and stores a starting position of a frame image which cannot be detected by the first detecting section, and a position of a frame corresponding mark which corresponds to the starting position of the frame image which cannot be detected by the first detecting section, on the basis of a starting position of a frame image of the film, which can be detected by the first detecting section, and a position of a frame corresponding mark which corresponds to the starting position of the frame image which can be detected by the first detecting section.

With respect to claim 14, is objected to for having a subject matter that the searched prior arts and of the record neither teach or suggest an image reading apparatus, wherein the storing section estimates and stores a starting position of a frame image which cannot be detected by the first detecting section, and a position of a frame corresponding mark which corresponds to the starting position of the frame image

which cannot be detected by the first detecting section, on the basis of a starting position of a frame image of the film, which can be detected by the first detecting section, and a position of a frame corresponding mark which corresponds to the starting position of the frame image which can be detected by the first detecting section.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USP 6952294; USP 5233386; USP6208812; all of the prior art cited are directed to image scanner for photographic film processing.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is (571)272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moore David can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

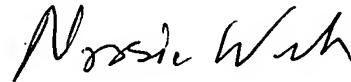
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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Negussie Worku".

Negussie Worku
Examiner
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